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10 Attorneys for Defendant
11 TOSHIBA AMERICA INFORMATION SYSTEMS, INC.

12 UNITED STATES DISTRICT COURT
13
14 NORTHERN DISTRICT OF CALIFORNIA
15
16 SAN FRANCISCO DIVISION
17

18 MICHAEL SIMON, individually, and on
19 behalf of all others similarly situated,

20 Plaintiffs,

21 vs.

22 TOSHIBA AMERICA, INC., a Delaware
23 corporation, and TOSHIBA AMERICA
24 INFORMATION SYSTEMS, INC., a
25 California corporation,

26 Defendants.
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Case No. C07-06202 MHP

**JOINT STIPULATION TO CONTINUE
LITIGATION DEADLINES; ~~[PROPOSED]~~
ORDER THEREON**

Honorable Marilyn H. Patel
Courtroom 15

1 WHEREAS, plaintiff Michael Simon and defendant Toshiba America Information
2 Systems, Inc. ("TAIS") are continuing to explore the possibility of an early resolution of this
3 matter;

4 WHEREAS, consistent with those efforts, the parties have had numerous discussions,
5 informally exchanged information, and recently conducted a second in-person meeting;

6 WHEREAS, the parties intend to continue these efforts over the next few weeks;

7 WHEREAS, given and to facilitate the parties' ongoing settlement efforts, and to avoid
8 the time and expenses associated with full-blown litigation that may become unnecessary, the
9 parties desire to continue to stay the litigation activity in this case and further continue TAIS's
10 deadline to respond to the Complaint for 35 days;

11 WHEREAS, during this period of time the parties expect to be able to determine whether
12 or not an early resolution is possible;

13 WHEREAS, if the parties are able to make significant progress towards reaching an early
14 resolution of this action, and determine that an early resolution is achievable, they may seek to
15 further extend the litigation deadlines, subject to Court approval,

16 NOW, THEREFORE, IN LIGHT OF THE FOREGOING, IT IS HEREBY
17 STIPULATED AND AGREED by and between plaintiff, on the one hand, and TAIS on the other
18 hand, by and through their respective undersigned counsel, as follows:

19 1. The deadline for TAIS to file and serve its initial response to the First Amended
20 Complaint shall be extended to and including June 26, 2008;

21 2. The Initial case Management Conference shall also be continued approximately 35
22 days from its currently scheduled date of July 7, 2008, subject to the Court's availability;

23 3. This Stipulation may be executed in counterparts, each of which shall be deemed
24 an original, but both of which, when taken together, shall constitute one and the same instrument.
25 Executed signature pages of this Stipulation transmitted by facsimile shall be accepted by the
26 parties hereto and the Court as though they were original signature pages.

1 Dated: May 21, 2008

DEAN J. ZIPSER
ADINA L. WITZLING
MANATT, PHELPS & PHILLIPS, LLP

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3
4 By: [Signature]
Dean Zipser
Attorneys for Defendant
TOSHIBA AMERICA INFORMATION
SYSTEMS, INC.

7 Dated: May 21, 2008

8 STUART C. TALLEY
KERSHAW, CUTTER & RATINOFF LLP

9 MARK J. TAMBLYN
WESLER TORISEVA WALLACE LLP

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11 By: [Signature]
Stuart C. Talley
Attorneys for Plaintiff MICHAEL SIMON

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15 **ORDER**

16 Based on the foregoing stipulation of the parties and good cause appearing therefor:

- 17 1. The deadline for TAIS to file and serve its initial response to the First Amended
18 Complaint shall be extended to and including June 26, 2008;
19 2. The Initial case Management Conference shall be continued to July 7, 2008 at 3:00 pm.
20 IT IS SO ORDERED: Joint CMC statement to be filed not later than 6/30/2008.

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22 Dated: May 22, 2008

23 By: [Signature]
HONORABLE
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25 IT IS SO ORDERED
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27 Judge Marilyn H. Patel
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JOINT STIPULATION TO CONTINUE LITIGATION
DEADLINES, SUPPLEMENTED ORDER THEREON